I. INTRODUCTION

The phrase “health law” encompasses a wide range of discrete legal topics, including health insurance, disability, medical malpractice, food and drugs, public health, and the management of medical care institutions. Most of the legal areas that make up “health law” in the United States are the subject of legislation and regulation at both the national and the state levels. This research guide provides an overview of resources where one can find general information on a wide range of health law topics. For more in-depth research into a particular health law topic, please consult the online catalog and/or one of the Goodson Law Library Reference Librarians.

II. SEARCHING THE DUKE CATALOG

Searching by subject heading is one way to pinpoint materials within the Duke Libraries on particular topics within the “health law” field. There are numerous health law related subject headings which can be used to find materials on a specific sub-topic, including:

- Health care reform -- United States
- Health insurance
- Health policy -- United States
- Medical ethics
- Medicaid

- Medicare -- law and legislation
- Medical records -- law and legislation
- Drugs -- law and legislation
- Medical informatics -- law and legislation
- Reproductive rights
III. SECONDARY SOURCES AND OVERVIEW MATERIALS

Health care law is currently the subject of intense political debate, and there are numerous pending bills that would modify everything from the health insurance mandate to the taxes imposed on medical devices under the Patient Protection and Affordable Care Act. Researchers should select a source that is updated regularly, although some of the older materials offer an excellent overview of foundational health care statutes that are still in force today, such as the ADA (Americans with Disabilities Act) and HIPAA (Health Insurance Portability and Accountability Act).

In addition to the resources below, Bloomberg BNA’s Health Law Resource Center (http://proxy.lib.duke.edu/login?qurl=http://healthlawrc.bna.com/hlrc/gohp.adp?tab=home) includes treatises on pharmaceutical law, managed care, health care fraud, and other health-related topics, with materials subject to regular updates and current awareness resources.

A. Treatises and Hornbooks


Health Care Law Sourcebook, Matthew Bender & Co., available on Lexis Advance. Includes sections on Medicare and Medicaid, HIPAA and the ADA, drug and device approval, antitrust and trade issues related to health care providers, disease control, ERISA, and other health laws.

Health Law, West Pub. Co. (KF3821 .H4343 2000). Good overview hornbook that covers health law as it affects health care deliverers and institutions, including tax status, regulation and licensure, health care business associations, ERISA, Medicare and Medicaid, antitrust, and ethical decision-making on issues such as death and dying, human research subjects, and reproductive rights.

Legal Medicine, Mosby Co. (KF3821 L45 2004). Covers numerous medical topics of direct interest to patient care providers and gives examples. Cross-listed with the medical center, it covers such topics as medical education and licensure, peer-review, complementary and alternative medicine, health insurance and professional liability insurance, health information privacy, access to medical care, end of life issues, and other legal topics surrounding patient care.

Treatise on Health Care Law, Matthew Bender & Co., available on Lexis Advance (no longer updated in print at KF3821 .T74), 4 v. Comprehensive treatise covering a myriad of legal health topics, including health care management, health care payment systems, litigation, antitrust, medical waste disposal, access to health care, HIPAA/HITECH privacy requirements, informed consent, end of life issues, and other topics.
B. Articles and Current Awareness

There are numerous private organizations and law firms that put out informative newsletters and blogs on particular issues in health law. While these sources can be very helpful in keeping researchers abreast of recent developments, the information they provide must be verified and any issue raised should be carefully examined using traditional legal research sources. The information may be accurate and timely, but additional information critical to thoroughly understand the issue may be omitted or truncated. The following resources are credible places to search for information on current legal issues in the health care field.

**Bloomberg BNA** ([http://law.duke.edu/lib/lresources/bna](http://law.duke.edu/lib/lresources/bna)) is a subscription database that includes an extensive health care legal resource library. Separate topical pages cover insurance, health care policy, medical devices, medical research, medicare, pharmaceutical law, and other health law areas of interest. Each page includes links to breaking news, summaries called “BNA Insights,” hot topics, law firms that practice in that area, and links to news at the state level (with links to individual states). Users can also sign up for weekly email alerts of health care news.

**PubMed** is a publicly available search interface that includes the Medline database (also accessible through the Ovid search platform) in addition to life science journals and online books (not to be confused with PubMed Central, which is a digital repository of publicly accessible biomedical and life sciences journal articles). Access PubMed through Duke Libraries ([http://search.library.duke.edu/search?id=DUKE003045472](http://search.library.duke.edu/search?id=DUKE003045472)) in order to get links to those articles available through Duke subscriptions. Articles accessible through PubMed include a wide range of topics, from highly technical clinical trial reports to health policy and regulatory compliance articles.

**Justia** is a free website that provides daily and weekly opinion summaries by topic ([http://law.justia.com/subscriptions](http://law.justia.com/subscriptions)), includes a Health Care Law topical link which provides access to current news, articles, blogs, legislation, regulations, and featured cases.

**FindLaw Newsletters** includes the bi-weekly free newsletter Health Law Pulse ([http://newsletters.findlaw.com/samples/healthlaw.html](http://newsletters.findlaw.com/samples/healthlaw.html)). A free FindLaw account is required to set up the subscription.

C. Dictionaries, Encyclopedias and Indexes

- **Attorney’s Dictionary of Medicine**, available in Lexis Advance, includes medical term definitions with examples and practical analogies.
- **MedLine Plus** ([http://search.library.duke.edu/search?id=DUKE003211631](http://search.library.duke.edu/search?id=DUKE003211631)) is a consumer-friendly resource from the National Institutes of Health that includes a medical encyclopedia and a medical dictionary.
- **Stedman’s Medical Dictionary** includes medical, pharmaceutical, and bioscience terms.

- **Taber’s Cyclopedic Medical Dictionary** (Ref R121.T33 2013) includes comprehensive health science dictionary with color illustrations in reader-friendly language.

D. **Health Statistics**

- **National Center for Health Statistics** (http://www.cdc.gov/nchs) is a portal that includes links to numerous collections of health data and statistical reports.
- **CDC Wonder** (http://wonder.cdc.gov/WelcomeT.html) provides a single point of access to a wide variety of public health reports and data systems, both local and external, categorized by topic.
- **Statehealthfacts.org** (http://www.statehealthfacts.org), sponsored by the Kaiser Family foundation, includes a map with clickable links to health statistics by state. Users can also search for health statistics by topic.
- **Health Statistics** (http://medlineplus.nlm.nih.gov/medlineplus/healthstatistics.html), maintained by the National Library of Medicine and the National Institutes of Health, includes links to health statistics by topic, including CDC’s “Faststats A-Z”
- **The Dartmouth Atlas of Health Care** (http://www.dartmouthatlas.org/) uses Medicare data to provide information and analysis about national, regional, and local markets, as well as hospitals and their affiliated physicians. Search by topic, hospital, or region.
- **National Institutes of Health/National Library of Medicine, Databases, Resources & APIs** (http://wwwcf2.nlm.nih.gov/nlm_eresources/eresources/search_database.cfm) is a portal to numerous free databases and includes a search template that allows selection of data by subject and type of data from list of resources.

IV. PRIMARY SOURCES OF FEDERAL HEALTH LAW

There are many federal laws that have an impact on health law, either directly (for example, the Patient Protection and Affordable Care Act) or indirectly (for example, sections of the tax code allowing for health-cost related exemptions). The following laws are some of the primary sources of legislative authority that U.S. shape health care law.

A. **Statutes and Legislative Histories**


**EMTALA** (Emergency Medical Treatment and Active Labor Act), Public Law No. 99-272, 100 Stat. 164, codified at 42 U.S.C. § 1395dd, requires hospitals that accept Medicare to provide emergency treatment to anyone regardless of citizenship, legal status, or ability to pay, with no reimbursement provisions. Participating hospitals may not transfer or discharge patients needing emergency treatment without the patient’s informed consent until the patient is stabilized, unless their condition requires transfer to another facility better equipped to treat them.


Department of Labor (http://www.dol.gov/compliance/laws/comp-erisa.htm#overview).


FDCA (Food, Drug and Cosmetics Act), Public Law No. 75-717, 52 Stat. 1040, codified at 21 U.S.C. § 301 et. seq., gives authority to the Food and Drug Administration to oversee the safety of food, drugs, medical devices, and cosmetics sold in interstate commerce.

- **For explanations and summaries**, see the Food and Drug Law Institute’s A Practical Guide to FDA’s Food and Drug Law and Regulation (KF1900.Z9 2012) and Food and Drug Law and Regulation (KF3869.F659 2011); Protecting America’s Health: The FDA, Business, and One Hundred Years of Regulation, Philip Hilts (RA11.H54 2003).


- **For legislative history materials**, search ProQuest Legislative Insight (http://search.library.duke.edu/search?id=DUKE005897733) for PL 104-191, the Health Insurance Portability and Accountability Act of 1996, includes 215 publications

**Medicare/Medicaid:** Medicare was created under Public Law No. 89-97, 79 Stat. 286, under Title 18 of the Social Security Amendments of 1965, and codified at 42 U.S.C. § 1395c et seq. It provided all persons 65 years of age or older who are legal U.S. residents for at least 5 years with insurance benefits covering hospital, medical, and prescription drug costs. Medicaid was created under Title 19 of the Social Security Act, and it is codified at 42 U.S.C. 1396 et. seq.; established a program that pays for medical assistance for low income families.


**PPACA** (Patient Protection and Affordable Care Act, Public Law No. 111-148, 124 Stat. 119, codified in sections of titles 42, 26, and 25 of the *U.S. Code*, short title at 42 U.S.C. § 18001.) Expanded Medicaid coverage, created health insurance exchanges for individuals without employer-based or public insurance coverage, prohibited coverage denial for pre-existing conditions and lifetime insurance limits, required most individuals to carry health insurance.

- **For explanations and summaries,** see CRS Reports on aspects of PPACA (http://libguides.law.ucla.edu/content.php?pid=233304&sid=1930567), compiled by UCLA School of Law; the *Patient Protection and Affordable Care Act Detailed Summary* (http://www.dpc.senate.gov/healthreformbill/healthbill04.pdf), a 14-page document explaining PPACA’s provisions; or the *Summary of the Affordable Care Act*, from the Henry J. Kaiser Family Foundation.
For legislative history materials, see Govtrack.us, which provides 7 prior versions of the bill (https://www.govtrack.us/congress/bills/111/hr3590/text); Congress.gov, HR3590 history, text, committee report, actions, and related bills (https://www.congress.gov/bill/111th-congress/house-bill/3590); GPO: Public Law 111-148 (http://www.gpo.gov/fdsys/pkg/PLAW-111publ148/content-detail.html), which provides a list of citations to legislative history documents; Patient Protection and Affordable Care Act with a search for 111-148 on ProQuest Legislative Insight (http://search.library.duke.edu/search?id=DUKE005897733) which includes prior versions of the bill, related acts, and full access to relevant sections of the congressional record, committee reports, and hearings; Health Care Reform: A Legislative History of the Patient Protection and Affordable Care Act, Public Law No. 111-148 (2010) Reams, Bernard D., and Forrest, Michael P., Compiler & Editor, available through HeinOnline.

B. Agencies, Regulations, and Administrative Decisions

Executive branch and independent federal agencies have broad responsibilities that impact health law. These federal agencies issue regulations, guidance documents, and sometimes administrative rulings on individual disputes. See the Goodson Law Library’s research guide to Federal Administrative Law (http://law.duke.edu/lib/researchguides/fedadminlaw) for comprehensive information on finding administrative law materials.

Three agencies that play a seminal role in administering health law and creating health law policy are the Food and Drug Administration, the Centers for Medicare and Medicaid Services, and the Social Security Administration.

FDA (Food and Drug Administration), http://www.fda.gov

The FDA is an agency within the US Department of Health and Human Services. FDA and USDA share responsibility for food safety inspection, although the rules that determine which agency is responsible for which food products can be complex. FDA is also responsible for regulating drugs, medical devices, radiation-emitting products, vaccines and biological products, animal and veterinary products, cosmetics, and tobacco products. The FDA also develops and enforces sanitation rules for interstate transport of various products.

- Letters and Guidance Documents: via FDA enforcement documents website (http://www.fda.gov/ICECI/EnforcementActions/WarningLetters/default.htm); Bloomberg Law > Practice Centers > Health > Regulatory Agencies > FDA (enter keywords to search guidances and interpretations); Lexis Advance > Browse Sources > Healthcare Law > Food and Drug Administration (select type of document or apply as filter); WestlawNext, Food & Drug Administration database (Administrative Decisions & guidance > Federal Administrative Decisions & Guidance > Department of Health & Human Services > Food & Drug Administration).
CMS (Centers for Medicare & Medicaid Services), http://www.cms.gov/

The CMS is an agency within the US Department of Health and Human Services. It is responsible for administering Medicare, state insurance program for children (SCHIP), and for enforcing HIPAA standards.

- **CFR sections**: 42 CFR Ch. IV (Centers for Medicare & Medicaid Services, Department of Health and Human Services)

SSA (Social Security Administration), http://www.ssa.gov/

The SSA is an independent agency within the executive branch that is responsible for administering social security retirement, disability, and survivor benefits.

- **CFR sections**: 20 CFR Parts 400-499 (Chapter III- Social Security Administration)

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